

UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

THE AMERICAN CIVIL LIBERTIES  
UNION OF NORTHERN CALIFORNIA, et  
al.,

Plaintiffs,

v.

FEDERAL BUREAU OF INVESTIGATION,  
et al.,

Defendants.

No. C 10-03759 LB

**ORDER RE: THE PARTIES'  
OBLIGATIONS FOLLOWING THE  
NOVEMBER 3, 2011 TELEPHONIC  
SETTLEMENT CONFERENCE AND  
DENYING PLAINTIFFS'  
ADMINISTRATIVE MOTION TO  
FILE UNDER SEAL**

After the telephonic settlement conference among the undersigned and the parties to this litigation that took place on November 3, 2011, the court issued a minute order containing the following instructions:

Further Telephonic Status Conference held. Production schedule agreed upon. Parties to submit joint stipulation reflecting new production schedule. Plaintiffs to provide government with targeted issues about exemptions claimed to date. Parties to meet and confer to see whether they can establish an informal process for discussing claimed exemptions during period of rolling disclosures. Parties to contact courtroom deputy Lashanda Scott at (510) 637-3525 to set further telephonic settlement case management conference and will submit joint Updated Case Management Conference statement one week before.

Amended Minute Order, ECF No. 77.<sup>1</sup> No joint stipulation was ever submitted.

<sup>1</sup> Citations are to the Electronic Case File ("ECF") with pin cites to the electronic page number at the top of the document, not the pages at the bottom.

1 Instead, on December 28, 2011, Plaintiffs filed an administrative motion to file under seal the  
2 following documents: (1) Plaintiffs' Statement regarding Document Production Schedule and  
3 Further Meet and Confer ("Statement"); (2) Declaration in Support of Administrative Motion to File  
4 under Seal ("Declaration"); and (3) [Plaintiffs' Proposed] Order regarding Document Production  
5 Schedule and Further Meet and Confer ("Proposed Order"). Administrative Motion, ECF No. 80.

6 Defendants filed a response. Response, ECF No. 81. Without going into detail (because the  
7 discussions concern confidential settlement discussions), it is safe to say that Defendants disagree  
8 with some of the representations in Plaintiffs' Statement and Proposed Order.

9 As noted above, the court instructed the parties to file, in the public record, a joint stipulation  
10 regarding a production schedule. Plaintiffs' Proposed Order (and the accompanying Statement and  
11 Declaration), to be filed under seal, does not fulfill the court's instruction. Accordingly, Plaintiffs'  
12 administrative motion to file under seal is DENIED. Plaintiffs may retrieve the lodged documents,  
13 or wait for the Clerk's Office's to destroy them, in accordance with Civil Local Rule 79-5(e).

14 The court again directs the parties to comply with its November 3, 2011 minute order. To the  
15 extent that issues remain unresolved (such as those identified in Plaintiffs' Statement), the parties are  
16 instructed to comply with the procedures for resolving discovery disputes set forth in the  
17 undersigned's Standing Order, **except that instead of filing a joint letter on ECF, they may**  
18 **submit a confidential joint letter to the court's proposed order inbox at**  
19 **[lbpo@cand.uscourts.gov](mailto:lbpo@cand.uscourts.gov)**. Once the parties have submitted this confidential joint letter, they shall  
20 contact courtroom deputy Lashanda Scott at (510) 637-3525 to set a further telephonic settlement  
21 conference. The court will try to schedule that conference approximately one week later.

22 This disposes of ECF No. 80.

23 **IT IS SO ORDERED.**

24 Dated: January 4, 2012

25   
26 LAUREL BEELER  
27 United States Magistrate Judge  
28